

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No. 1:23-CV-00423-WO-JLW

TIMIA CHAPLIN, et al.

Plaintiffs,

v.

WILLIE ROWE, et al.

Defendants.

**MOTION TO EXTEND THE TIME TO
RESPOND TO SHERIFF WILLIE
ROWE'S MOTION TO DISMISS**

NOW COME Plaintiffs, by and through undersigned counsel and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Civil Rule 6.1, and hereby respectfully move for permission to extend the time to respond or file an amended complaint in response to Wake County Sheriff Willie Rowe's motion to dismiss. In support of this motion, Plaintiffs show unto the Court the following:

1. Plaintiffs filed this action on May 23, 2023. ECF No. 1.
2. Plaintiffs served Sheriff Willie Rowe with the summons and complaint on August 16, 2023.
3. On September 6, 2023, Sheriff Rowe filed a motion to dismiss for failure to state a claim. ECF No. 15-16.
4. Plaintiffs require additional time to respond to Sheriff Rowe's motion and respectfully request a thirty (30) day extension to the current deadline, which would allow Plaintiffs up to and including October 27, 2023, to respond or amend in response.

5. Defendant Sheriff Estes also recently filed a motion to dismiss. ECF No. 9. The Court granted an extension of time to respond or amend in response to Sheriff Estes' motion up to and including October 27, 2023. ECF No. 17.

6. And Plaintiffs anticipate that Defendant Tyler Technologies, Inc. will file a motion to dismiss as well.

7. Plaintiffs seek this extension to align the response dates for each defendant and allow for an omnibus response, if permitted by the Court and in the best interest of Plaintiffs.

8. This motion is being filed in good faith and not for the purpose of delaying this action.

9. This matter has not been set for trial. As such, granting this motion will not interfere with a scheduled trial date.

10. Pursuant to Local Civil Rule 6.1, prior to filing this motion, counsel for Plaintiffs consulted with counsel for Defendant Estes regarding Defendant's position on this motion. Defendant Rowe does not object.

11. Plaintiffs respectfully submit that good cause exists for granting this motion, based upon the above-described circumstances.

WHEREFORE, Plaintiffs move the to extend the date to respond or amend in response to Defendant Estes motion to dismiss, to October 27, 2023, as set forth in the proposed order submitted with this motion.

This the 18th day of September, 2023.

Respectfully,



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Served on all parties: Via ECF